

Volume 33

Issue 3 *combined issue 3 & 4*

1983

Volume 33 Issue 3 & 4 (1983)

Case Western Reserve University Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

Recommended Citation

Case Western Reserve University Law Review, *Volume 33 Issue 3 & 4 (1983)*, 33(3 & 4) Case W. Res. L. Rev. Front Matter (1983)
Available at: <https://scholarlycommons.law.case.edu/caselrev/vol33/iss3/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

CASE WESTERN RESERVE



LAW REVIEW

ARTICLES

Clearing the Air After the Battle:
Reconciling Fairness and Efficiency
in a Formal Approach to U.C.C.
Section 2-207

Gregory M. Travaglio

Resolving Holiday Pay Disputes in
Labor Arbitration

Roger I. Abrams and Dennis R. Nolan

NOTES

Wright Line and Wrongful Discharge Actions:
A Uniform Standard of Review

Parens Patriae Suits by a State Under
42 U.S.C. § 1983

The Federal Energy Regulatory Commission's
Authority to Order In Kind Refunds of
Natural Gas

CASE WESTERN RESERVE UNIVERSITY
LAW SCHOOL FACULTY

Administrative Officers

ERNEST GELLHORN, B.A., LL.B., *Dean and
Galen J. Roush Professor of Law*
DANIEL T. CLANCY, B.S., LL.B., *Vice Dean and
Director of the Center for Criminal Justice*

Professors Emeriti

SIMON L. GOREN, Dip. Law, M.L.S.
SIDNEY B. JACOBY, J.D., LL.B.

Professors of Law

ROGER I. ABRAMS, B.A., J.D.	EDWARD A. MEARN, JR., B.S., LL.B.
ARTHUR D. AUSTIN II, B.S., LL.B. <i>Edgar A. Hahn Professor of Jurisprudence</i>	KAREN NELSON MOORE, A.B., J.D.
RONALD J. COFFEY, A.B., LL.B., LL.M.	SPENCER NETH, B.A., LL.B., LL.M.
LINDSEY COWEN, B.A., J.D., LL.M.	SIDNEY PICKER, JR., A.B., LL.B., LL.M. <i>U.S. Director, Canada-U.S. Law Institute</i>
MELVYN DURCHSLAG, B.S., J.D.	HUGH A. ROSS, B.S., LL.B., LL.M., S.J.D.
LEON GABINET, Ph.B., J.D.	OLIVER C. SCHROEDER, JR., A.B., J.D. <i>Albert J. Weatherhead III and Richard W. Weatherhead Professor of Law and Criminal Justice</i>
PAUL C. GIANNELLI, B.A., J.D., M.S., LL.M.	MORRIS G. SHANKER, B.S.E.E., M.B.A., J.D. <i>John Homer Kapp Professor of Law</i>
PETER D. JUNGER, A.B., LL.B.	
LEWIS R. KATZ, A.B., J.D. <i>John C. Hutchins Professor of Law</i>	
ROBERT P. LAWRY, B.A., J.D., Dip. Law	
WILBUR C. LEATHERBERRY, A.B., J.D.	
JAMES W. MCELHANEY, A.B., LL.B. <i>Joseph C. Hostetler Professor of Trial Practice and Advocacy</i>	

Associate Professor of Law

MARCIA GAUGHAN MURPHY, A.B., J.D.

Assistant Professors of Law

STEVEN N. BULLOCH, B.A., J.D.	DAVID C. SOBELSOHN, B.A., J.D.
SUSAN STEVENS JAROS, B.A., J.D.	ERIC H. ZAGRANS, B.A., J.D.

MARY JO LONG, B.A., M.A., J.D.,
Director of Clinical Education

Case Western Reserve Law Review

Volume 33

1983

Numbers 3 & 4

Editor-in-Chief

Mark Andrew Gamin

Articles Editors

Suzanne Houser Nathanson
Barbara A. Rutigliano

Notes Editors

Michael A. Axel
Barry Joseph Miller

Topics Editor

Charles S. Konigsberg

Managing Editor

Robert J. Drexler, Jr.

Research Editor

Jay Blackstone

Editors

Jeffrey Baddeley
Kenneth S. Cline
Steven Clymer
George S. Crisci
John Donovan

Jeremy Gilman
Clayton Paterson
George Sawyer Springsteen
Richard H. Verheij
Jeffrey R. Wahl

Associate Editors

Stacy D. Ballin
Michael DeSantis
Philip L. Francis

Daniel A. Friedlander
David Lester
Sharon L. Levine

Paul F. Marks
Paul A. Meyer
Adele Sapienza

Associates

Susan H. Abramson
James B. Aronoff
Lawrence R. Bach
David Baumann
Steven Bloom
M. Courtney Bryan
Robert J. Caffrey
Dean Cherschiglia
Dean H. Dusinberre
Pete C. Elliott
Timothy F. Geisse
Stephen P. Grassbaugh
Kyle E. Hart

Robert Hawekotte
Rebecca J. Hess
David S. Hoffmann
Rick A. Hopkins
Robert D. Horvath, Jr.
Aimee E. Jacobson
Philip R. King
Carol J. Koletsky
Jay E. Levenson
Shawn M. Lyden
Michele E. Marein
John T. Martin

Marc B. Merklin
Evelyn B. Newell
Anthony J. O'Malley
Kevin F. O'Neill
Sophia R. Papandreas
Kevin G. Robertson
Jane I. Rolnick
John M. Saganich
Scott H. Schooler
Mary Teresa Sobnosky
Jeffrey K. Stith
Martha J. Waldheger
Kimm Alayne Walton

Faculty Advisor

Karen Nelson Moore
Professor of Law

Case Western Reserve Law Review

Volume 33

1983

Numbers 3 & 4

Copyright © by Case Western Reserve Law Review

Contents

ARTICLES

- Clearing the Air After the Battle:
Reconciling Fairness and Efficiency
in a Formal Approach to U.C.C.
Section 2-207
Gregory M. Travaglio 327
- Resolving Holiday Pay Disputes in
Labor Arbitration
Roger I. Abrams and Dennis R. Nolan 380

NOTES

- Wright Line* and Wrongful Discharge
Actions: A Uniform Standard
of Review 404
- Parens Patriae Suits by a State Under
42 U.S.C. § 1983 431
- The Federal Energy Regulatory Commission's
Authority to Order In Kind Refunds
of Natural Gas 458

The CASE WESTERN RESERVE LAW REVIEW (ISSN 0008-7262), formerly the Western Reserve Law Review, is published quarterly by the students of the Case Western Reserve School of Law. Second class postage paid at Cleveland, Ohio and additional mailing offices.

Editorial and business offices are located at Case Western Reserve University, 11075 East Blvd., Cleveland, Ohio 44106, telephone (216) 368-3312. The submission of unsolicited manuscripts is invited.

Subscriptions are entered for the entire volume only at \$16.00 per year. Single copies of issues in the current volume are available for \$5.00. For foreign orders add \$1.00 per year for subscriptions, \$0.40 per single copy ordered. If a subscription is to be discontinued at expiration, notice to that effect should be sent to the Managing Editor; otherwise the subscription will be continued.

Back issues are available from the Case Western Reserve Law Review.

The Review is a member of the National Conference of Law Reviews. Citations conform to *A Uniform System of Citation* (13th ed. 1981), copyright by the *Columbia*, and *University of Pennsylvania Law Reviews*, *Harvard Law Review Association*, and the *Yale Law Journal*. Style conforms generally to the *United States Government Printing Office Style Manual* (rev. ed. 1973).

Except as otherwise provided, the *Case Western Reserve Law Review* grants permission for each article in this volume to be copied for use by nonprofit educational institutions, provided that 1) copies are distributed at or below cost, 2) the author and the *Review* are identified, and 3) proper notice of copyright is affixed to each copy.

This issue went to press in February, 1984.

* Cover Design by Susan Abramson and John Donovan